

ASSEMBLY BILL

No. 881

Introduced by Assembly Member Cook

February 17, 2011

An act to amend Sections 5150 and 5278 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 881, as introduced, Cook. Mental health: involuntary commitment: transportation.

Under existing law, when a person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation. Existing law exempts from criminal or civil liability specified people and entities who detain a person for 72-hour treatment and evaluation pursuant to this provision.

This bill would authorize a provider of ambulance services, as defined, and the employees of those providers to further detain a person in custody for the purpose of transporting him or her to a county-designated facility, whether or not accompanied by a person otherwise authorized. The bill would also exempt from criminal and civil liability individuals transporting a person for 72-hour treatment and evaluation pursuant to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. (a) When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

(b) *A provider of ambulance services licensed by the Department of the California Highway Patrol or operated by a public safety agency and the employees of those providers, certified or licensed pursuant to Sections 1797.56, 1797.80, 1797.82, and 1797.84 of the Health and Safety Code, shall be authorized to further detain a person in custody pursuant to subdivision (a) for the purpose of transporting him or her to a county-designated facility, whether or not accompanied by a person designated in subdivision (a).*

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(c) *The facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, such person shall be liable in a civil action for intentionally giving a statement which he or she knows to be false.*

SEC. 2. Section 5278 of the Welfare and Institutions Code is amended to read:

5278. Individuals authorized under this part to detain *or transport* a person for 72-hour treatment and evaluation pursuant to Article 1 (commencing with Section 5150) or Article 2 (commencing with Section 5200), or to certify a person for

1 intensive treatment pursuant to Article 4 (commencing with Section
2 5250) or Article 4.5 (commencing with Section 5260) or Article
3 4.7 (commencing with Section 5270.10) or to file a petition for
4 post-certification treatment for a person pursuant to Article 6
5 (commencing with Section 5300) shall not be held either criminally
6 or civilly liable for exercising this authority in accordance with
7 the law.

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